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09/631,076	08/02/2000	Steven Paul Hasmanis	COX 1484-007	8156
8698	7590	03/24/2004	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 03/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/631,076

Applicant(s)

HASMANIS ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3,4.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 2-4, 12 and 17 are objected to because of the following: the limitation "PPV" lacks antecedent basis.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 12-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shelton US 5,345,501.

- 2.1 Regarding claim 1, Shelton discloses a system for processing a customer telephone order in figure 1. Shelton's system comprises:

a switch 10 for receiving calls, including a calling number and a called number (column 3, lines 54-65; column 6, lines 17-22);

a voice response unit 20 for providing recorded voice response with multiple applications (column 3, lines 60-68; column 4, lines 1-9);

a host computer 30 (data storage component) for storing customer identification (inherently including account number and telephone number) information and data on available inventory (column 4, lines 9-18; column 6, lines 17-22);

memory areas 24 and 26 (temporary data container) in computer 22 (figure 2) for storing predetermined prompting messages and customer identification information downloaded from host computer 30 (column 4, lines 9-18); and

said system is configured to retrieve customer data based on a personal identification number (PIN) (column 4, lines 52-66), or the calling number (column 6, lines 17-22; column 2, lines 54-61), and to store customer identification information in memory 26 for subsequent call processing applications (column 4, lines 9-18).

2.2 Regarding claim 2, Shelton teaches downloading video program (PPV) to a customer (column 6, lines 23-33).

2.3 Regarding claim 3, Shelton teaches that the voice response unit 20 comprises a menu for video ordering (column 4, lines 9-13; column 4, lines 67-68; column 5, lines 1-18, 38-61), and video programming can also be downloaded to a customer (PPV) (column 6, lines 23-33).

2.4 Regarding claim 4, Shelton teaches sending customer identification information to the voice response unit 20 (column 4, lines 67-68; column 5, lines 1-4) and the called number (column 3, lines 60-65); wherein a called number based application is a video

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on demand, or PPV (column 4, lines 9-13; column 5, lines 38-61; column 6, lines 23-33).

2.5 Regarding claim 5, Shelton teaches a switch 10, which routes (based on called numbers) incoming calls to a multi-line hunt group (column 3, lines 60-65).

2.6 Regarding claim 6, Shelton teaches storing customer information in memory area 26 and called number based application (recorded prompts) in memory area 24 (column 4, lines 9-18).

2.7 Regarding claim 7, Shelton teaches various data transmitted between switch 10 and voice response unit 20 (column 5, lines 5-18).

2.8 Regarding claim 8, Shelton teaches that the switch 10 is located in a telephone company's central office, and it is inherent that the switch is connected to a live operator for assisting a calling party (such as directory lookup, collect call and service information etc.).

2.9 Regarding claim 9, Shelton teaches that the customer identification information is retrieved prior to engaging automatic voice response application (column 4, lines 52-66).

2.10 Regarding claim 10, a customer account inherently includes credit information.

2.11. Regarding claim 12, Shelton teaches that the voice response unit 20 (VRU 20) comprises a called number based video on demand application (the VRU 20 is assigned with at least one called number), a menu based video on demand application (column 5, lines 38-61), and a routing application for retrieve customer identification information from host computer 30 (column 4, lines 9-18).

2.12 Regarding claim 13, Shelton teaches how to process a call (column 5, lines 38-61).

2.13 Regarding claim 14, Shelton discloses a method for processing telephone orders in figure 1. Shelton teaches:

receiving a call at switch 10 (column 3, lines 60-65);

obtaining a calling number (column 6, lines 17-22; column 2, lines 54-61), and a called number (column 3, lines 60-65);

retrieving customer data from a host computer 30 (database) based on the called number (column 5, lines 17-22; column 2, lines 54-61; column 4, lines 9-18);

storing retrieved customer data in memory area 26 (temporary storage location) (figure 2) for use during said call (column 4, lines 9-18); and

running a voice response application (voice response unit 20 is assigned with at least one telephone number, column 3, lines 60-65) for video on demand (PPV) (column

5, lines 5-18, 38-61; column 6, lines 23-33), wherein voice response application further comprises the step of retrieving event data from said data base based on said call number (column 4, lines 9-18, 52-57).

2.14 Regarding claim 16, Shelton teaches receiving a personal identification number (PIN) (column 5, lines 52-57), and retrieving information of customer identification from the database (column 4, lines 9-18). It is inherent that customer identification information includes account number.

2.15 Regarding claim 17, Shelton discloses a method for processing video orders over telephone in figure 1. Shelton teaches:

- receiving a call at switch 10 (column 3, lines 60-65);

- obtaining a calling number (column 6, lines 17-22; column 2, lines 54-61), and a called number (column 3, lines 60-65);

- retrieving customer data from a host computer 30 (database) based on the called number (column 5, lines 17-22; column 2, lines 54-61; column 4, lines 9-18);

- storing retrieved customer data in memory area 26 (temporary storage location) (figure 2) for use during said call (column 4, lines 9-18);

- determining which call control transfer process to run based on reference to a parameter based on called number (column 3, lines 60-68; column 4, lines 1-9); and

- starting a voice response application (voice response unit 20 is assigned with at least one telephone number, column 3, lines 60-65) for video on demand (PPV) (column

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5, lines 5-18, 38-61; column 6, lines 23-33), wherein voice response application further comprises the step of retrieving event data from said data base based on said call number (column 4, lines 9-18, 52-57; column 5, lines 5-18, 38-61).

2.16 Regarding claim 18, Shelton reaches receiving called number (column 3, lines 60-65) and PIN (personal identification number, which is related to an account number) (column 4, lines 52-57) form switch 10 to voice response unit via a hunt group 16 (data bridge).

2.17 Regarding claim 19, the voice response application for video ordering refers to data in memory area 26 for processing orders (column 4, lines 9-18, 52-68; column 5, lines 1-4).

2.18 Regarding claim 20, Shelton teaches validating a customer before processing control transfer (column 4, lines 9-18, 52-68; column 5, lines 1-4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton US 5,345,501 in view of Hendricks et al US 6,160,989.

Shelton teaches retrieving customer information from a database, but fails to teach referring a customer to a live agent in case the customer has bad credit.

However, Hendricks discloses cable TV delivery system. Hendricks teaches that if a subscriber's account is delinquent (bad credit), then any order of new program or channels is denied, and the subscriber is referred to a live operator (agent) (column 33, lines 3-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shelton's reference with the teaching of Hendricks, so that orders from customers with bad credits would have been denied, and the customers would have been referred to a live operator for resolving payment questions, because such modification would have prevented loss of revenues (payments not collectable).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton US 5,345,501 in view of Stoel et al. US 5,905,942.

Shelton teaches using a PIN to identify a customer, but fails to teach the PIN includes a rating.

However, Stoel teaches a method for video distribution. Stoel teaches that a subscriber is required to enter PIN for PIN based on rating of movies or PPV events (column 5, lines 41-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shelton's reference with the teaching of Stoel, so that the PIN would have included rating information, because such modification would have prevented minors to order adult programs.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

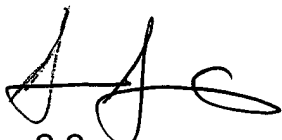
a) Garneau et al. US 5,497,420 discloses cable TV system using password for distributing programs.

b) Richard, III et al. US 5,790,174 discloses a video on demand service.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

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S.S.

03/11/2004

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